

**Remarks**

Applicant respectfully requests reconsideration of the application and respectfully traverses the provisional obviousness type rejection as premature because neither 10/942,321, nor 10/803,538 have issued. This provisional rejection cannot bar the patentability of this application because neither 10/942,321, nor 10/803,538 have issued.

An IDS is being filed herewith to apprise the Office of an Office Action for a counterpart application in Australia for the parent US application of this CIP application. This Australian Action is believed to be similar to an Action in the Europe Patent Office for a counterpart application of the parent US application, which was cited previously in this application.

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CUSTOMER NUMBER 23735

Phone: 503-469-4800

FAX 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By /Joel R. Meyer/  
Joel R. Meyer  
Registration No. 37,677